**DOCKET NO.: WARF-0071/P98067US** **PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:**

**Sally A. Leong, et al.** **Confirmation No.: 2444**

**Application No.: 09/257,585** **Group Art Unit: 1638**

**Filing Date: February 25, 1999** **Examiner: Anne R. Kubelik**

**For: CULTIVAR SPECIFICITY GENE FROM THE RICE PATHOGEN *MAGNAPORTHE GRISEA* AND METHODS OF USE**

**EXPRESS MAIL LABEL NO: EV325642998US**
**DATE OF DEPOSIT: August 29, 2003**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

☐ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or

before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

☐ In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Certification in Accordance with § 1.97(e) is attached; or

☐ The fee of **$180.00** as set forth in § 1.17(p) is attached.

☒ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☐ Certification in Accordance with § 1.97(e) is attached; or

☒ The fee of **$180.00** as set forth in § 1.17(p) is attached.

☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of **$180.00** as set forth in § 1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith

EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C.§ 120 have been made in the instant application:

☐ Copies of references **[list as appropriate]** listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No. , filed .

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Enclosed is a copy of the PCT International Search Report dated July 12, 1999 (number 7 on the Form PTO-144), which indicates the references considered to be relevant.

☐ The relevance of those listed references which are not in the English language is as follows:

☒ There are no listed references which are not in the English language.

Date: August 29, 2003

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Sheet 1 of 1

| Form PTO-1449 Modified<br>List of Patent and Publications Cited by Applicant (Use several sheets if necessary)<br>U.S. Department of Commerce Patent and Trademark Office | Docket No.<br>WARF-0071/ P98067US/L092 | Application No.<br>09/257,585 |
|---|---|---|
| | Applicant<br>Sally A. Leong, et al. | |
| | Filing Date<br>February 25, 1999 | Group<br>1638 |
| | Confirmation No.<br>2444 | |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | |
|---|---|---|
| | 7 | Copy of the PCT International Search Report dated July 12, 1999 (PCT/US99/04047) |
| | 8 | Liew, C.C., et al., "K5827F fetal heart, lambda ZAP express Homo sapiens cDNA clone K5827 5' similar to EST (EST07299)," *EMBL Accession No. N88845*, July 25, 1996, XP-002107756, 1 page |
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